

**THE OFFICE OF CONTRACTING AND PROCUREMENT**

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**NOTICE OF FINAL RULEMAKING**

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The Chief Procurement Officer of the District of Columbia, pursuant to authority granted to the Mayor by section 204 of the District of Columbia Procurement Practices Act of 1985 (PPA), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04), Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*)(2006 Supp.), as amended by Title II of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 54 DCR 6577) (Act), Mayor's Order 2002-207 (dated December 18, 2002) and Mayor's Order 2007-95 (dated April 18, 2007) hereby gives notice of the adoption of the following addition of a new Chapter 5 to Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rulemaking is intended to implement section 211 of Title II of the Act authorizing the Mayor to issue rules requiring that criminal background and traffic records checks be obtained for applicants for employment with, and employees and unsupervised volunteers of any private entity that contracts with, the District to provide direct services to children or youth as those terms are defined in the Act.

Mayor's Order 2007-95 delegates to the Chief Procurement Officer the authority vested in the Mayor in section 211 of the Act to issue rules governing the criminal background check and the traffic record check requirements in sections 203 and 204(b)(2) of the Act, for persons and private entities being considered for contractual work providing direct services to children and youth for District covered agencies.

The emergency and proposed rulemaking was published in the *D.C. Register* at 55 DCR 7131 (June 27, 2008). The emergency rulemaking was necessary because, without the rulemaking, the CPO may not otherwise issue rules governing the criminal background check and the traffic record check requirements for persons and private entities being considered for contractual work providing direct services to children and youth for District covered agencies. No substantive changes have been made to the rulemaking as originally proposed.

The Council of the District of Columbia approved this rulemaking on February 26, 2009 by Proposed Resolution 18-9, pursuant to section 205(b) of the PPA (D.C. Official Code § 2-302.05(b)).

The rulemaking will become effective upon publication in the *D.C. Register*.

*A new Chapter 5 is added to Title 27 to read as follows:*

## **CHAPTER 5**

### **CRIMINAL BACKGROUND AND TRAFFIC RECORDS CHECKS FOR DISTRICT GOVERNMENT CONTRACTORS THAT PROVIDE DIRECT SERVICES TO CHILDREN OR YOUTH**

#### **500 GENERAL PROVISIONS**

- 500.1** A private entity that provides services as a covered child or youth services provider, as defined in section 202(3) of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), as amended (Act), shall obtain criminal history records to investigate persons applying for employment, in either a compensated or an unsupervised volunteer position, as well as its current employees and unsupervised volunteers.
- 500.2** A private entity is required to obtain traffic records to investigate persons applying for employment, or current employees and volunteers of private entities, when that person will be required to drive a motor vehicle to transport children in the course of performing his or her duties.
- 500.3** The following individuals are not required to submit to a criminal background check:
- (a) Applicants for, or employees or volunteers working in positions at a private entity that will not bring them in direct contact with children or youth;
  - (b) Applicants, employees and volunteers who have federal security clearance; or
  - (c) Volunteers who have only supervised contact with children or youth.

#### **501 NOTICE TO PRIVATE ENTITY**

- 501.1** Each solicitation and contract subject to the Act, shall:
- (a) identify the positions that will require a criminal background check and/or a traffic record check;
  - (b) contain a clause requiring the private entity to inform all applicants requiring a criminal background check that a criminal background

check must be conducted on the applicant before the applicant may be offered a compensated position or an unsupervised volunteer position;

- (c) contain a clause requiring the private entity to inform all applicants requiring a traffic records check that a traffic records check must be conducted on the applicant before the applicant may be offered a compensated position or a volunteer position;
- (d) contain a provision requiring the private entity to obtain a written authorization from each applicant, employee and unsupervised volunteer which authorizes the District to conduct a criminal background check;
- (e) contain a provision requiring the private entity to obtain a written confirmation from each applicant, employee and unsupervised volunteer stating that the private entity has informed him or her that the District is authorized to conduct a criminal background check;
- (f) contain a provision requiring the private entity to obtain a signed affirmation from each applicant, employee and unsupervised volunteer stating whether or not they have been convicted of a crime, pleaded nolo contendere, are on probation before judgment or placement of a case upon a stet docket, or have been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in any other state or territory:
  - (i) Murder, attempted murder, manslaughter, or arson;
  - (ii) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, or threats to do bodily harm;
  - (iii) Burglary;
  - (iv) Robbery;
  - (v) Kidnapping;
  - (vi) Illegal use or possession of a firearm;
  - (vii) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;
  - (viii) Child abuse or cruelty to children; or
  - (ix) Unlawful distribution of or possession with intent to distribute a controlled substance.

- (g) contain a provision requiring the private entity to obtain a written acknowledgement from each applicant, employee and unsupervised volunteer stating that the private entity has notified them that they are entitled to receive a copy of the criminal background check and to challenge the accuracy and completeness of the report;
- (h) contain a provision requiring the private entity to obtain a written acknowledgement from each applicant, employee and unsupervised volunteer stating that the private entity has notified them that they may be denied employment or a volunteer position, or may be terminated as an employee or volunteer based on the results of the criminal background check;
- (i) contain a provision requiring the private entity to inform each applicant, employee and unsupervised volunteer that a false statement may subject them to criminal penalties; and
- (j) contain a provision requiring the District to identify the positions that will require a criminal background check and/or a traffic records check upon the exercise of each option period of the contract or at any other time specified in the contract.

## **502 RESPONSIBILITIES OF PRIVATE ENTITY**

**502.1** Before any applicant for employment with a private entity, in either an employee or an unsupervised volunteer position, may be offered a position, the private entity shall inform the applicant that a criminal background check must be conducted on him or her.

**502.2** Prior to requesting a criminal background check, the private entity shall provide each applicant, employee, or unsupervised volunteer with a form or forms to be utilized for the following purposes:

- (a) To authorize the Metropolitan Police Department or other entity, as appropriate, to conduct the criminal background check and confirm that the applicant, employee, or unsupervised volunteer has been informed that the private entity is authorized and required to conduct a criminal background check;
- (b) To affirm whether or not the applicant, employee, or unsupervised volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory of the

United States, or for any of the felony offenses described in section 501.1(f) of this chapter;

- (c) To acknowledge that the applicant, employee, or unsupervised volunteer has been notified of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report;
- (d) To acknowledge that the private entity may choose to deny the applicant employment, assignment to, or an unsupervised volunteer position for which a criminal background check is required based on the outcome of the criminal background check; and
- (e) To inform the applicant or employee that a false statement on the form or forms may subject them to criminal penalties as described in section 506 of this chapter.

- 502.3** The private entity shall direct the applicant or employee to complete the form or forms specified in section 502.2 and notify the applicant or employee when and where to report to be fingerprinted.
- 502.4** Unless otherwise provided in the contract, private entities shall request criminal background checks from the Chief, Metropolitan Police Department (or designee), who shall be responsible for conducting criminal background checks, including fingerprinting, for private entities.
- 502.5** Unless otherwise provided in the contract, private entities shall request traffic record checks from the Director, Department of Motor Vehicles (or designee), who shall be responsible for conducting traffic record checks for private entities.
- 502.6** Private entities shall pay for the costs for the criminal background checks and traffic record checks required under this chapter and the Act, pursuant to the requirements set forth by the Metropolitan Police Department and the Department of Motor Vehicles.
- 502.7** A private entity may make an offer of appointment to, or assign a current employee or applicant to, a compensated position contingent upon receipt from the contracting officer of the Contracting Officer's Technical Representative's (COTR) decision after his or her assessment of the criminal background or traffic record check.
- 502.8** A private entity may not make an offer of appointment to an unsupervised volunteer whose position brings him or her into direct contact with children until it receives from the contracting officer the COTR's decision after his or her assessment of the criminal background or traffic record check. .

- 502.9** A private entity shall not employ or permit to serve as an unsupervised volunteer an applicant or employee who has been convicted of, has pleaded nolo contendere to, is on probation before judgment or placement of a case on the stet docket because of, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.
- 502.10** Private entities shall conduct periodic criminal background checks as specified in the contract for current employees and unsupervised volunteers.
- 502.11** An employee or unsupervised volunteer may be subject to administrative action including, but not limited to, reassignment or termination at the discretion of the COTR after his or her assessment of a criminal background or traffic record check.
- 502.12** If any application is denied because the COTR determines that the applicant presents a present danger to children or youth, the private entity shall notify the applicant of such determination and inform the applicant in writing that she or he may appeal the denial to the Commission on Human Rights within thirty (30) days of the determination.

**503 ASSESSMENT OF INFORMATION FROM CRIMINAL BACKGROUND AND TRAFFIC RECORDS CHECKS**

- 503.1** The COTR for the contract shall be solely responsible for assessing the information obtained from each criminal background check report to determine whether a final offer may be made to each applicant or employee. The COTR shall inform the contracting officer of its decision, and the contracting officer shall inform the private entity whether an offer may be made to each applicant.
- 503.2** The COTR for the contract shall be solely responsible for assessing the information obtained from each traffic records check to determine whether a final offer may be made to each applicant or employee. The COTR shall inform the contracting officer of its decision, and the contracting officer shall inform the private entity whether an offer may be made to each applicant.
- 503.3** The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the COTR determines that the applicant poses a present danger to children or youth. The COTR shall consider the following factors to determine whether a final offer may be made to each applicant or employee:
- (a) The specific duties and responsibilities necessarily related to the employment sought;

- (b) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more of such duties or responsibilities;
- (c) The time which has elapsed since the occurrence of the criminal offense;
- (d) The age of the person at the time of the occurrence of the criminal offense;
- (e) The frequency and seriousness of the criminal offense;
- (f) Any information produced by the person, or produced on his or her behalf, regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense; and
- (g) The public policy that it is beneficial generally for ex-offenders to obtain employment.

#### **504 ACTION AGAINST CONTRACTOR**

**504.1** The contracting officer may take action, in accordance with the “Default” provision the contract, against any private entity who is found to have violated the provisions of this chapter.

#### **505 CONFIDENTIALITY**

**505.1** Criminal background check reports obtained under this section shall be confidential and are for the exclusive use of making employment-related determinations under this chapter. Private entities shall not release or otherwise disclose the reports to any person, except when:

- (a) Required as one component of an application for employment with the private entity;
- (b) Requested by the contracting officer or COTR during an official inspection or investigation;
- (c) Ordered by a court;
- (d) Authorized by the written consent of the person being investigated;
- (e) Otherwise required by the contract; or

- (f) Utilized for a corrective or adverse action in a personnel proceeding, including but not limited to, an administrative action under section 502.10.

**505.2** An individual who discloses confidential information in violation of this section is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**506 PENALTY FOR PROVIDING FALSE INFORMATION**

**506.1** An applicant for employment or a volunteer position with a private entity who provides false information in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405), and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**507 RIGHT TO APPEAL CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE'S DECISION**

**507.1** If a COTR denies an application, the COTR shall notify the contracting officer who shall advise the private entity to notify applicant of such determination. The private entity shall inform the applicant in writing that she or he may appeal the denial to the Commission on Human Rights within thirty (30) days of the determination.

**599 DEFINITIONS**

**599.1** When used in this chapter, the following terms have the meaning ascribed:

**Act** - Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*)(2006 Supp.), as amended by Title II of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 54 DCR 6577).

**Applicant** – an individual who has filed a written application for employment, or who has made an affirmative effort through a written application or a verbal request to serve in an unsupervised volunteer position, with a private entity.

**Children** – individuals twelve (12) years of age and under.

**Covered child or youth services provider** – any District government agency providing direct services to children and youth and any private entity that contracts with the District to provide direct services to children and youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individual and group counseling, therapy, case management, supervision, or mentoring.

In accordance with Mayor's Order No. 2007-95, the following District agencies shall be subject to the criminal background check and traffic records check provisions of the Act and this chapter for purposes of their own activities, and the activities of private entities and who are parties to contracts entered into on behalf of the following agencies by the Office of Contracting and Procurement:

- \* Department of Human Services
- \* Department of Health
- \* Department of Parks and Recreation
- \* Fire and Emergency Medical Services Department
- \* Metropolitan Police Department
- \* Office of the State Superintendent of Education
- \* Department of Mental Health
- \* Child and Family Services Agency
- \* Department of Youth Rehabilitation Services
- \* Department of Employment Services
- \* Department on Disability Services
- \* Any other agency which as a result of a permanent or temporary change to its mission such as may be caused by reorganization or a similar reason shall become a covered child or youth services provider subject to the Act

**Criminal background check** – the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

**Employee** – an individual who is employed on a full-time, part-time, temporary or contractual basis by a private entity.

**Private Entity** – any private entity that contracts with the District to provide direct services to children or youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individual and group counseling, therapy, case management, supervision, or mentoring.

**Supervised** – any person who is under the direct supervision, at all times, of an employee or a volunteer who has received a current, satisfactory criminal background check.

**Volunteer** – an individual who works without any monetary or any other financial compensation for a private entity.

**Youth** – an individual between thirteen (13) and seventeen (17) years of age, inclusive.

**DEPARTMENT OF MENTAL HEALTH****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Mental Health (“DMH”), pursuant to the authority set forth in sections 104, and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001, (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04 and 7-1131.05), hereby gives notice of the adoption of a new Chapter 33 of Title 22A of the District of Columbia Municipal Regulations (“DCMR”), entitled “DC Community Service Agency Consumer Transition Voucher.” No comments have been received and no changes have been made since publication of the Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on March 20, 2009 at 56 DCR 002282.

The purpose of the new Chapter 33 of Title 22A DCMR is to provide standards for the payment of a Consumer Transition Voucher (“CTV”) to mental health providers serving mental health consumers transferring from the D.C. Community Services Agency (“DCCSA”). DMH will pay a CTV to a consumer’s new clinical home (Core Services Agency, Assertive Community Treatment Program, or Community Based Intervention Program) to facilitate the smooth transition of consumers transitioned from the DCCSA to the new clinical homes. The CTV will be paid for transition services rendered to former DC CSA consumers by the new mental health provider. The new chapter describes the purpose and implementation of the CTV program. These final rules will be effective upon publication of the Notice in the *D.C. Register*.

**A new Chapter 33 is added to Title 22A to read as follows:****3300 DC COMMUNITY SERVICE AGENCY CONSUMER  
TRANSITION VOUCHER**

3300.1 These rules establish the requirements, formula, and process for a Consumer Transition Voucher (“CTV”) payment to a Core Services Agency (“CSA”), Assertive Community Treatment (“ACT”) Program or Community Based Intervention (“CBI”) Program for each consumer transitioning from the D.C. Community Service Agency (“DCCSA”) as part of the Department of Mental Health’s plan to close the DCCSA. The CTV is available only to consumers who were enrolled in DCCSA and are now transferring from the DCCSA to a new Department of Mental Health (“DMH”) certified provider.

3300.2 The purpose of the CTV is to support transition services provided to consumers transferred from the DCCSA as part of the Department’s closure of the DCCSA. The CTV is intended to provide additional funds to the CSA, ACT Program, or CBI Program, whichever unit becomes the consumer’s new clinical home, to assist in the cost of additional staffing,

training and service requirements for each new consumer during the transition period.

- 3300.3 The CTV program does not create any rights except the right of the consumer's new clinical home to bill DMH for CTV payment for transition services rendered and to receive the CTV payment in accordance with the requirements set forth herein.
- 3300.4 Nothing in these rules shall be interpreted to mean that a CTV provided by DMH is an entitlement or benefit.

### **3301 WAIVER OF RULES**

- 3301.1 Upon determination of good cause, the Director may waive any provision under this chapter subject to the statutory limitations of other District laws. The Director shall provide each waiver in writing and shall support each waiver by documentation of the facts and the grounds upon which a waiver is based.

### **3302 CONSUMER TRANSITION VOUCHER AMOUNT**

- 3302.1 The CTV payment is \$787.50 per newly enrolled consumer during the transition period. DMH-certified providers are eligible to submit a claim for the CTV if they enroll and conduct an initial intake of DCCSA consumers between January 21, 2009 and June 30, 2010 in accordance with the requirements set forth herein.

### **3303 ELIGIBILITY**

- 3303.1 A CSA, ACT Program, or CBI Program that enrolls a consumer transferring from the DCCSA during the transition period as evidenced by a CSA Transfer Event in eCura shall be eligible for the CTV by submitting a claim through the Department's eCura system as described below in Section 3304.
- 3303.2 Only the consumer's clinical home will be eligible to receive CTV payments. If a consumer enrolls in a CSA but his or her clinical home is an ACT Program or CBI not affiliated with the CSA, the ACT Program or CBI Program, as appropriate, is the clinical home of the consumer and is the authorized entity to bill for the CTV.
- 3303.3 For each CTV payment set forth below in Section 3304, the CSA must have a concurrent claim for an MHRS service provided to the consumer.

**3304 PAYMENT OF VOUCHER**

- 3304.1 The Department has established a billing code – the Transitional Care Case Rate (“TCR”) - to be used by the consumer’s clinical home for payment of the CTV.
- 3304.2 The total CTV payment will be provided in increments of 50% for the first claim, 25% for the second claim, and 25% for the third claim over a minimum 3 month period. Each consumer who transitions from the DCCSA to a new clinical home must remain with the new provider for a minimum of ninety (90) days from the date of enrollment in order for the new clinical home to submit all three claims for the entire amount of the CTV. If the consumer changes providers before the entire CTV can be claimed by the new provider in accordance with Sections 3304.3 – 3304.6, the remainder of the CTV will not be available to the second, or any subsequent, providers.
- 3304.3 In order for any CTV payment to occur, an authorization request for the CTV will need to be included in the authorization plan for each transitioned consumer. A maximum of three (3) units of the CTV may be authorized between the initial enrollment and the 9<sup>th</sup> month following the consumer’s intake with the new CSA.
- 3304.4 In order for the new provider to be eligible to claim the CTV, the initial intake of the consumer by the new provider must occur within 90 days of the consumer’s transfer from the DCCSA. Upon completion of the consumer’s intake with the new provider, the new provider may submit a claim for the first unit of the CTV (50% of the CTV) using the appropriate billing code (T2022U1 - Initial Transitional Care Case Rate).
- 3304.5 The new provider may submit a claim for the second unit of the CTV (25% of the CTV) during the second month of services to the consumer, using the appropriate billing code (T2022U2 - Subsequent Transitional Care Case Rate). If the consumer is not seen on a monthly basis, the provider can submit a claim for the second installment of the CTV any time services are rendered to the transitioning consumer as long as it is after the conclusion of the initial month of service with the new provider and before the sixth month following the consumer’s initial intake. This claim must accompany a concurrent claim for an MHRS service to the consumer in order for the second installment to be paid.
- 3304.6 The new provider may submit a claim for the final unit of the CTV (25% of the CTV) using the appropriate billing code (T2022U2 - Subsequent Transitional Care Case Rate) during the third month of services to the consumer. If the consumer is not seen on a monthly basis, the provider can submit a claim for the third installment of the CTV any time services

are rendered to the transitioning consumer as long as it is after the conclusion of the second month of service with the new provider and before the ninth month following the consumer's initial intake. This claim must accompany a concurrent claim for an MHRS service to the consumer in order for the third installment to be paid.

3304.7 Claims for the CTV are subject to DMH audit/chart review to substantiate the CTV claim.

3304.8 The CTV does not affect the payment of any MHRS services provided to transitioned consumers by any MHRS provider.

### 3399 DEFINITIONS

Assertive Community Treatment or "ACT" - Assertive Community Treatment (ACT). An evidenced-based practice model that provides a proactive, consumer driven, intensive, integrated rehabilitative, crisis, treatment, and mental health rehabilitative community support service to adult consumers with serious and persistent mental illness. Services are provided by an interdisciplinary team, with dedicated staff time and specific staff to consumer ratios in order to assist consumers to meet their goals in the community and assist with integration into the community. ACT is a specialty service.

Clinical home - a Core Services Agency or a Specialty Provider who can enroll a consumer in eCura and once enrolled assumes the clinical and fiscal responsibility for coordinating, delivering and managing the care for that consumer.

Community Based Intervention or "CBI" – time-limited, intensive, mental health services delivered to children and youth ages six (6) through twenty-one (21). CBI services are intended to prevent the utilization of an out-of-home therapeutic resource or a detention of the consumer. CBI is a specialty service. There are three (3) levels of CBI services available: Level I services shall be delivered in accordance with the Multisystemic Therapy (MST) Model; Level II and Level III services shall be delivered in accordance with the Intensive Home and Community-based Services (IHCBS) model as adopted by DMH.

Core Service Agency or "CSA" – a DMH-certified community-based MHRS provider that has entered into a Human Care Agreement with DMH to provide specified MHRS services. A CSA shall provide at least one core service directly and may provide up to three core services via contract with a sub-provider or subcontractor. A CSA may provide specialty services directly if certified by DMH as a specialty provider.

However, a CSA shall also offer specialty services via an affiliation agreement with all specialty providers.

Consumer Transition Voucher or “CTV” – a consumer transition rate payment voucher established by DMH to support transition services provided to consumers transferred from the DCCSA as part of the Department’s closure of the DCCSA. The CTV is intended to provide additional funds to the CSA, ACT Program, or CBI provider, whichever unit becomes the consumer’s new clinical home, to assist in the cost of additional staffing, training and service requirements for each new consumer during the transition period.

Mental Health Rehabilitation Services or “MHRS” - mental health rehabilitative or palliative services provided by a DMH-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the MAA/DMH Interagency Agreement, and this chapter.

Transitional Care Case Rate or “TCR” – the authorization and billing code established by DMH for providers to use to submit claims for payment of the Consumer Transition Voucher.

All persons desiring to comment on the subject matter of this emergency and proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel for the Department of Mental Health at 64 New York Avenue, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002, or e-mailed to Suzanne Fenzel, Assistant Attorney General, at [Suzanne.Fenzel@dc.gov](mailto:Suzanne.Fenzel@dc.gov). Copies of the proposed rules may be obtained from [www.dmh.dc.gov](http://www.dmh.dc.gov) or from the Department of Mental Health at the address above.